

**REMARKS**

Claims 1-20 are all the claims pending in the application. Claims 8-10 and 18 are withdrawn as being directed to a non-elected species. Claims 21-22 were previously canceled.

In addition to entry of the Amendment under 37 C.F.R. § 1.116 filed on March 12, 2004, Applicant also provides the following remarks and respectfully requests reconsideration and review of the claims on the merits.

***Formal Matters***

Applicant respectfully requests entry of the six replacement sheets filed on March 12, 2004, incorporating the approved drawing corrections from the proposed drawing corrections filed October 25, 2002.

***Claim Rejections - 35 U.S.C. § 112***

Claims 1-7, 11-17, 19, and 20 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite with respect to the language “the surface of the region other than the projective region” and “the surface of the group-III nitride crystal layer”, as recited in claims 1, 11 and 19, as lacking antecedent basis.

Applicant relies on the response in the Amendment under 37 C.F.R. § 1.116.

Upon entry of the Amendment under 37 C.F.R. § 1.116 filed March 12, 2004, Applicant submits that the amended claims fully comply with 35 U.S.C. § 112, and withdrawal of the foregoing rejection is respectfully requested.

***Claim Rejections - 35 U.S.C. § 103(a)***

(A). Claims 1-3 and 6, 7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ming-Jiunn et al. (US 6,078,064) in view of Ohba et al. (US 5,076,860), Lee et al. (US 5,789,768), and Okazaki et al (US 5,977,566) for the reasons given in the Office Action.

(B). Claims 4 and 5 stand rejected under 35 U.S.C. §103 (a) as being unpatentable over Ming-Jiunn, Ohba, Lee, and Okazaki as applied to Claim 1 above, and further in view of Bastek (US 4,232,440) for the reasons given in the Office Action.

(C). Claims 11-13, 16, 17, 19, and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ming-Jiunn in view of Lee and Okazaki for the reasons given in the Office Action.

(D). Claims 14 and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ming-Jiunn, Lee, and Okazaki as applied to Claim 11 above, and further in view of Bastek for the reasons given in the Office Action.

Applicant respectfully traverses the obviousness rejections for the reasons given in the Amendment under 37 C.F.R. § 1.116 on March 12, 2004, along with the following additional comments.

In the Advisory Action dated April 8, 2004, the Examiner considered that Okazaki's layer 41 in Fig. 5(e) meets the claimed group-III nitride crystal layer. However, Okazaki's layer 41 is a p-type GaAs contact layer (col. 7, lines 1-2), or a contact layer "formed of other materials such as AlGaAs" (col. 7, lines 54-55) entirely different from the "a gallium nitride (GaN)-based group-III nitride crystal layer" required by independent Claims 1, 11 and 19.

Another difference is that layer 41 said to correspond to the GaN-based group-III nitride crystal layer does not have a "light emitting part of hetero-junction structure" as required by present Claims 1, 11 and 19 (namely, layer 39 is the upper cladding layer in Fig. 5(e) of Okazaki et al.).

Yet another difference is that transparent, conductive oxide layer 47 of Fig. 5(e) of Okazaki does not contact a surface of layer 41 said to correspond to the claimed group-III nitride crystal layer as required by Claims 1, 11 and 19.

Yet another difference is that window layer 47 does not cover and is not in contact with a surface of layer 41 said to correspond to the claimed group-III nitride crystal layer on the entire projective region of pad electrode 49 as required by present Claims 1, 11 and 19.

Yet another difference is that pad electrode 49 of Fig. 5(e) of Okazaki is not disposed on a center of the upper surface of window layer 47 as required by present Claims 1, 11 and 19.

For the reasons given in the Amendment filed on March 12, 2004, along with the foregoing remarks, Applicant submits that Okazaki separately or in combination thereof with Ming-Jiunn, Ohba, Lee, and/or Bastek, fails to teach each and every element of Applicants' independent Claims 1, 11 and 19. Dependent Claims 2-7, 12-17 and 20 each incorporate the subject matter of one of the independent claims and are, therefore, patentable for the same reasons.

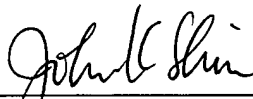
Accordingly, Applicant respectfully requests reconsideration and withdrawal of all rejections under 35 U.S.C. § 103(a).

***Conclusion***

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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CUSTOMER NUMBER

Date: April 19, 2004